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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,757	08/09/2002	Wai Kai Wong	Q68693	8829

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EXAMINER

PREVIL, DANIEL

ART UNIT PAPER NUMBER

2636

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,757

Applicant(s)

WONG, WAI KAI

Examiner

Daniel Previl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if

the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are

solved by the applicant's invention. This item may also be titled "Background Art."

- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if

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an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lovitt (US 6,112,437) in view of Trattner et al. (US 5,463,537).

Regarding claim 1, Lovitt discloses means for sensing movement (motion switch) of the band (watchband) and generating a trigger signal in response to movement (motion switch initiates presentation of the animated display that could be watchbands, pens etc.; each time the shoe wearer takes a step) (col. 3, lines 22-30 and line 57); a circuit means (circuit 20) responsive to trigger signal to generate an illumination signal and at least one light which is illuminated in

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response to illumination signal (circuit module 20 controls displays of the overall animation sequence displayed for a predetermined number of cycles before going into a sleep mode) (col. 3, lines 14-45; col. 4, lines 7-14); at least one light which is illuminated in response to illumination signal (light sources 16 provide a diffuse light source to illuminate frames 30) (col. 3, lines 32-52).

Lovitt discloses the limitation above but fails to explicitly disclose a flashing device.

However, Trattner discloses a flashing device (abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Trattner in Lovitt. Doing so would cause the watchband of Lovitt to flash in order to be visible to anyone; this allows the wearer to be seen more easily, thus increasing his/her safety as taught by Trattner (col. 1, lines 6-67).

Regarding claim 6, Lovitt discloses one light includes LEDs distributed along band (display panel 14 for use on a watchband) (fig. 3; col. 3, lines 55-60).

4. Claims 2-5, 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lovitt and Trattner and further in view of Evanyk (US 5,033,212).

Regarding claim 2, Lovitt and Trattner disclose all the limitations in claim 1 but fail to explicitly disclose the band is worn on a user's head, neck, waist or arm, and movement of the user causes at least one light to flash.

However, Evanyk discloses the band is worn on a user's head, neck, waist or arm, (arm band) and movement of the user causes at least one light to flash (a simple arm band with multiple high intensity LEDs flashing could be used to call attention to joggers, hikers and runners) (col. 2, lines 9-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Evanyk in Lovitt and Trattner. Doing so would allow the arm band to flash to call attention to joggers or runners so the wearer of the arm can be seen for the safety purposes as taught by Evanyk (col. 2, lines 4-31).

Regarding claim 3, the above combination discloses all the limitations in claim 2 and Trattner further discloses the movement means includes a motion switch (steel ball 22) having a conducting sphere movable in a space defined by a plurality of conducting parts (lever 18 and conductor 11) (fig. 3; col. 3, lines 23-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Trattner in Lovitt and Evanyk. Doing so would provide the system with the capability of triggering a signal upon movement of the user in order to increase the visibility of the user traveling at night or bad weather to enhance user's safety as taught by Trattner (col. 1, lines 6-30).

Regarding claim 4, the above combination discloses all the limitations in claim 2 and Trattner further discloses the trigger signal is generated when sphere moves into contact with at least two of parts (col. 3, lines 27-34). Therefore, it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Trattner in Lovitt and Evanyk. Doing so would provide the system with the capability of triggering a signal upon movement of the user in order to increase the visibility of the user traveling at night or bad weather to enhance user's safety as taught by Trattner (col. 1, lines 6-30).

Regarding claim 5, the above combination discloses all the limitations in claim 2 and Trattner further discloses the circuit means (body 4) includes an integrated circuit (body 4) connected to the motion switch (ball 22) and mounted on a printed circuit board (surface) integrated in the band (sneaker at the laces) (fig. 3; col. 3, lines 20-33; col. 4, lines 26-32). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Trattner in Lovitt and Evanyk. Doing so would provide the system with the capability of triggering a signal upon movement of the user in order to increase the visibility of the user traveling at night or bad weather to enhance user's safety as taught by Trattner (col. 1, lines 6-30).

Regarding claim 7, the above combination discloses all the limitations in claim 6 and Evanyk further discloses LEDs include at least two sets of LEDs (first set 42, 44 and second set 46, 48), which are alternately illuminated when trigger signal is generated (col. 3, lines 37-38; col. 5, lines 17-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Evanyk in Lovitt and Trattner.

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Doing so would allow the arm band to flash to call attention to joggers or runners so the wearer of the arm can be seen for the safety purposes as taught by Evanyk (col. 2, lines 4-31).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Garner (US 5,903,103) discloses sequential flashing footwear.

Roy (US 5,457,900) discloses a footwear display device.

Harding (US 6,106,130) discloses a personal lighted and reflective safety system with shoulder straps for pedestrians.

Guerra (US 5,813,148) discloses footwear with optical fiber illuminating display areas and control module.

Rodgers (US 5,339,294) discloses a watch with light means.

Dion (US 5,934,784) discloses an illuminated article of apparel.

Yu (US 6,213,619) discloses a wrist-mounted light.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is 703 305-1028. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 703 305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.



Daniel Previl
Examiner
Art Unit 2636

DP
January 2, 2004.